

until after approval of sketch plans. See section 601 et seq. of this title.

#### SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

#### § 267a. Omitted

#### CODIFICATION

Section, act June 30, 1932, ch. 314, §320, 47 Stat. 412, provided for a 10 per centum reduction of limit of cost fixed by authorizations for construction of public buildings and public improvements granted by law prior to June 30, 1932.

#### § 268. Repealed. Pub. L. 86-249, § 17(7), Sept. 9, 1959, 73 Stat. 484

Section, act Mar. 2, 1889, ch. 411, 25 Stat. 941, prohibited approval of plans for public buildings until after site therefor shall have been finally selected. See section 601 et seq. of this title.

#### SAVINGS PROVISION

Section repealed except as to its applications to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

#### § 269. Repealed. Oct. 31, 1951, ch. 654, § 1(91), 65 Stat. 705

Section, act June 6, 1902, ch. 1036, §21, 32 Stat. 326, related to liquidated damages for delay in connection with contracts for construction or repair of public buildings or works, and to suits thereon. See section 256a of Title 41, Public Contracts.

#### § 269a. Omitted

#### CODIFICATION

Section, acts Sept. 9, 1940, ch. 717, title I, 54 Stat. 873; Oct. 8, 1940, ch. 756, title I, 54 Stat. 968; June 30, 1941, ch. 262, 55 Stat. 375, which limited, after Sept. 9, 1940, the contractor's fee for construction and installation of buildings, etc., at military posts, to 6 per centum of the estimated cost, exclusive of the fee, has not been repeated in subsequent years, except as a temporary measure and expired with the appropriation acts of which it was a part.

#### § 270. Repealed. Aug. 24, 1935, ch. 642, § 7, formerly § 5, 49 Stat. 794, renumbered Pub. L. 104-106, div. D, title XLIII, § 4321(i)(8), Feb. 10, 1996, 110 Stat. 676

Section, acts Aug. 13, 1894, ch. 280, 28 Stat. 278; Feb. 24, 1905, ch. 778, 33 Stat. 811; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167, related to bonds of contractors for buildings or works. See sections 270a to 270d-1 of this title.

The repealing section provided that section should remain in force with respect to contracts for which invitations for bids had been issued on or before sixty days after August 24, 1935, and to persons and bonds in respect of such contracts.

#### § 270a. Bonds of contractors of public buildings or works

##### (a) Type of bonds required

Before any contract for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become

binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond with a surety or sureties satisfactory to the officer awarding such contract, and in such amount as he shall deem adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. The amount of the payment bond shall be equal to the total amount payable by the terms of the contract unless the contracting officer awarding the contract makes a written determination supported by specific findings that a payment bond in that amount is impractical, in which case the amount of the payment bond shall be set by the contracting officer. In no case shall the amount of the payment bond be less than the amount of the performance bond.

##### (b) Waiver of bonds for contracts performed in foreign countries

The contracting officer in respect of any contract is authorized to waive the requirement of a performance bond and payment bond for so much of the work under such contract as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bonds.

##### (c) Authority to require additional bonds

Nothing in this section shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section.

##### (d) Coverage for taxes in performance bond

Every performance bond required under this section shall specifically provide coverage for taxes imposed by the United States which are collected, deducted, or withheld from wages paid by the contractor in carrying out the contract with respect to which such bond is furnished. However, the United States shall give the surety or sureties on such bond written notice, with respect to any such unpaid taxes attributable to any period, within ninety days after the date when such contractor files a return for such period, except that no such notice shall be given more than one hundred and eighty days from the date when a return for the period was required to be filed under title 26. No suit on such bond for such taxes shall be commenced by the United States unless notice is given as provided in the preceding sentence, and no such suit shall be commenced after the expiration of one year after the day on which such notice is given.

(Aug. 24, 1935, ch. 642, §1, 49 Stat. 793; Pub. L. 89-719, title I, §105(b), Nov. 2, 1966, 80 Stat. 1139; Pub. L. 95-585, Nov. 2, 1978, 92 Stat. 2484; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 103-355, title IV, §4104(b)(1)(B), Oct. 13, 1994, 108 Stat. 3342; Pub. L. 106-49, §2(a), Aug. 17, 1999, 113 Stat. 231.)